

Jeffrey D. Hill v. New Castle County, et al.

C. A. No. 07-228 (GMS)

Plaintiff's Answering Brief In Opposition Of Defendants' Motion For Summary Judgment

APPENDIX D

1 Q. How did you come to become the commander
2 of the mounted unit?

3 A. I was actually approached by Captain
4 Setting when I was in patrol because he was the
5 lieutenant in there at the time, and I think it
6 was lieutenant, and he advised that there was
7 going to be a vacancy and would I be interested?
8 And I said, Of course. I might have submitted a
9 memorandum, I'm not sure.

10 Q. Why were you interested in working for
11 the mounted unit?

12 A. Well, I had pretty much done everything
13 else that I had wanted to do and it's an interest
14 of mine.

15 Q. What is an interest of yours?

16 A. Horses and the mounted unit.

17 Q. Had you worked with horses previously?

18 A. Yes.

19 Q. When did you start working with horses?

20 A. I owned my first horse since I was
21 twelve.

22 Q. And have you had horses continuously?

23 A. Yes.

24 Q. Prior to joining the mounted unit did you



1 Q. Did you ever win any awards prior to the
2 mounted unit competitions?

3 A. Yes.

4 Q. Do you have any idea how many awards you
5 have won?

6 A. Over 100.

7 Q. What about with the mounted unit?

8 A. What time frame?

9 Q. The entire time you have been with the
10 mounted unit, have you ever won any awards?

11 A. Yes.

12 Q. Do you recall what for?

13 A. Last year I got sixth place in equitation
14 and then sixth place in obstacle combined with
15 equitation score and a year prior to that I think
16 it was eighth, 2006, in equitation.

17 Q. Of the events that you entered from the
18 time you were a child up until you joined the
19 mounted unit is there both males and females at
20 those events?

21 A. Correct.

22 Q. What is the percentage of females to
23 males in those competitions?

24 A. All depends on the level.



1 Q. Is there typically more females than
2 males?

3 A. Again, all depends on the level.

4 Q. Well, what levels are there?

5 A. The higher the level the percentage of
6 females kind of drops down a little bit, but it's
7 really hard to put a percentage on that.

8 Q. When you first started is it safe to say
9 there were more females than males?

10 A. Sure.

11 Q. Just prior to joining the mounted unit
12 were there more females than males?

13 A. I really -- I can't answer that
14 correctly.

15 Q. What about with the mounted unit, the
16 competitions that you have --

17 A. More male.

18 Q. Is experience with horses crucial to
19 being the individual that is in command of the
20 mounted unit?

21 A. Yes, you have to have knowledge and
22 experience.

23 Q. It's a requirement?

24 A. According to the SOP you have to have



1 to clarify that.

2 Q. Okay?

3 A. I think Corporal Williams had an accident
4 last year and I did have to discipline her.

5 Q. Have you ever spent any time with
6 Corporal Hoff off-duty?

7 A. Yes.

8 Q. And what have you done with her?

9 A. Mounted unit Christmas parties, four of
10 those. I went to Canal Days on Corporal Hill's
11 boat with him and other members of the unit and
12 she was there.

13 Q. Have you ever done anything just you two?

14 A. Yes.

15 Q. What types of things have you done?

16 A. I went to a colt breaking clinic with her
17 last September. We both brought unbroken horses
18 to break there.

19 Q. Were these horses New Castle County
20 horses?

21 A. Our own horses.

22 Q. Anything else?

23 A. Yes. I one time went and got a pedicure
24 with Corporal Hoff and Corporal Williams.



1 Q. When was that?

2 A. Sometime in 2006, I'm not sure. Probably
3 open sandal season.

4 Q. Have you ever called her on the telephone
5 for non-business reasons?

6 A. Corporal Hoff?

7 Q. Yes.

8 A. Non-business reasons?

9 Q. Yes.

10 A. Maybe regarding the colt breaking clinic
11 or she had a question about one of her horses,
12 then, yes, possible.

13 Q. It would have just been a couple
14 telephone calls?

15 A. Horse-related stuff.

16 Q. Has she ever called you for non-business
17 reasons?

18 A. Yes.

19 Q. Same stuff?

20 A. Yes.

21 Q. Did you ever contact Corporal Hill for
22 non-business related reasons?

23 A. Off business?

24 Q. Yes.



1 A. I had lunch with him once after work.

2 Q. Where did you go?

3 A. That restaurant right at Route 2 and 7.

4 I think he was going to an Eagles game or
5 something. I'm not sure.

6 Q. Was there anybody else there?

7 A. Officer Hennessy.

8 Q. Besides lunch have you ever called him?

9 A. Called him? I've called him off-duty,
10 but not for personal reasons, no.

11 Q. Have you ever sent Corporal Hoff E-mails
12 for non-business reasons?

13 A. Yes.

14 Q. How often?

15 A. Our whole unit will send E-mails to each
16 other so we'll forward them to each other. So, I
17 wouldn't -- if I sent her one, I would send it to
18 everybody else, so I can't put a number on it.

19 Q. And these are non-business E-mails?

20 A. Just funny E-mails.

21 Q. Jokes and things of that nature?

22 A. Jokes. I think Corporal Hill has been on
23 a couple of them that I've gotten.

24 Q. Is it your testimony that you would have



1 never sent her an E-mail just to her?

2 A. If there was an E-mail that I felt was
3 funny because it was just something that she
4 could relate to, I might, but I can't say that
5 there is one particular incident that I can think
6 of right now. Just like if there was something
7 funny I think Jim Hennessy would like, I might
8 just send it to him.

9 Q. Do you ever get E-mail from her for
10 non-business reasons?

11 A. No, not now.

12 Q. What do you mean by "not now"?

13 A. She doesn't have an E-mail address
14 anymore.

15 Q. Does she have a work E-mail address?

16 A. Yes, but I don't use that for personal
17 reasons.

18 Q. Have you ever gone out for drinks with
19 Corporal Hoff?

20 A. Christmas parties.

21 Q. That's it?

22 A. Yes.

23 Q. Has she ever spent the night at your
24 house?



1 A. Yes.

2 Q. When was that?

3 A. One summer my husband and I were away on
4 vacation and I have several horses and I needed
5 somebody to stay at my house and the two girls I
6 used were not available. She stayed at my house
7 while I was gone.

8 Q. Any time when you would have been there?

9 A. No.

10 Q. Have you ever spent the night at her
11 house?

12 A. No.

13 Q. Have you ever gone on a non-business
14 related trip with Corporal Hoff?

15 A. Yes.

16 Q. Where did you go?

17 A. The colt breaking clinic that I told you
18 about.

19 Q. Where was that?

20 A. Allentown, Pennsylvania. And I went on a
21 ski trip with the entire mounted unit that she
22 also attended.

23 Q. When was the colt breaking clinic?

24 A. Last fall.



1 Q. Did you guys stay in the same room?

2 A. Yes.

3 Q. Was it just you two?

4 A. No.

5 Q. Who else went?

6 A. Another county employee by the name of
7 Carly White who also brought a horse.

8 Q. Was Carly on the mounted unit?

9 A. No.

10 Q. She just likes horses?

11 A. Yes.

12 Q. Have you ever gone to the movies
13 together?

14 A. With Corporal Hoff?

15 Q. Yes.

16 A. No.

17 Q. Have you ever watched her dog while she
18 was away?

19 A. Watched her dog? No.

20 Q. Has she ever watched your dog?

21 A. Yes, the same week I told you about.

22 Q. Have you ever gone shopping together?

23 A. No.

24 Q. Have you ever bought her a gift?



1 A. Yes.

2 Q. And when was that?

3 A. For the Christmas mounted unit party when
4 I bought everybody else gifts.

5 Q. Any other time?

6 A. No.

7 Q. Has she ever bought you a gift?

8 A. Yes.

9 Q. When did she buy you a gift?

10 A. Christmas mounted unit parties.

11 Q. Did she buy everybody else a gift?

12 A. The whole unit got together and bought me
13 something for Christmas.

14 Q. And that's what we are talking about
15 here?

16 A. Yes.

17 Q. What about Rosemarie Williams, have you
18 ever done any of these things that we have just
19 talked about with her?

20 A. Yes.

21 Q. What have you done with her?

22 A. Two Christmas parties, mounted unit
23 Christmas parties. Same pedicure outing.

24 Q. Was that just one time?



1 A. One time. And she came to my house
2 sometime in the '90s when I had just had a foal
3 born and my husband worked with her because he
4 was in the parks unit and invited her and her
5 family to come see the newborn foal.

6 Q. What about telephone calls, have you ever
7 called her for non-business reasons?

8 A. No.

9 Q. Has she ever called you for non-business
10 reasons?

11 A. No.

12 Q. Have you ever gone out for drinks with
13 Corporal Williams?

14 A. No, other than Christmas parties.

15 Q. Has she ever spent the night at your
16 house?

17 A. No.

18 Q. Have you ever spent the night at her
19 house?

20 A. No.

21 Q. Have you ever gone to the movies
22 together?

23 A. No.

24 Q. Have you ever gone shopping together?



1 A. No.

2 Q. What about Corporal Hill, have you ever
3 done any of these things with him?

4 A. Went to Canal Days with him, three or
5 four Christmas parties, ski trip, and that one
6 time I went out to eat with him and Officer
7 Hennessy, which I already mentioned. So, about
8 five times or more.

9 Q. When you discussed Corporal Williams
10 potentially joining the mounted unit with Captain
11 Watson what did you tell him about her?

12 A. We just started going through all the
13 certified riders who would possibly come into the
14 unit and so I mentioned three other names and her
15 name came up and I said, Well, I would like to go
16 back and talk to the officers in the unit and see
17 what they think and that's what I did.

18 Q. I may have already asked this, but did
19 you know her before that?

20 A. I knew of her.

21 Q. Just generally like everybody else?

22 A. Correct.

23 Q. When was the decision made that Corporal
24 Williams would join the mounted unit?



1 A. I can't remember the date.

2 Q. Was it before Corporal Hill was informed
3 that he was being transferred out?

4 A. I don't even know when he was informed so
5 I couldn't intelligently speak to that question.

6 Q. Did you speak to Corporal Williams prior
7 to her being offered the position?

8 A. Yes, once Captain Watson told me she was
9 going to be transferred I did speak with her.

10 Q. What did you say to her?

11 A. Asked her if she was interested in coming
12 in.

13 Q. Was she?

14 A. Yes.

15 Q. Did you tell her why there was a position
16 available?

17 A. I said, There is a vacancy, are you
18 interested? She said, Yes.

19 Q. Did you assist in providing answers to
20 the amended complaint in this case?

21 MS. SANFRANCISCO: I'm going to
22 object to the extent that question calls for
23 anything protected by the attorney/client
24 privilege.



1 BY MR. WILSON:

2 Q. Well, in response to paragraph 61 of the
3 amended complaint we state that you are friends
4 with Corporal Williams and Corporal Hoff and the
5 response is that you don't have information or
6 belief to answer that question, therefore, it's
7 denied. Are you friends with Corporal Williams
8 and Corporal Hoff?

9 A. I think you would have to define for me
10 what is a friend. Maybe you can do that and then
11 I can maybe answer it correctly for you.

12 Q. In your definition of what a friend is
13 are they friends?

14 A. Let me describe to you what I consider a
15 friend. A friend is somebody who you would call
16 when your dog just got hit or you are having an
17 argument with your spouse. No, I would not call
18 them for something on that.

19 Q. Since you have been with the mounted unit
20 have you ever attempted to transfer out of the
21 mounted unit?

22 A. No.

23 Q. Why not?

24 A. I like my job.



1 Q. Is there any other place -- is the
2 mounted unit a place you would like to stay for
3 the foreseeable future?

4 A. Would I like to stay?

5 Q. Yes.

6 A. Sure.

7 Q. What types of things do you like about
8 working on the mounted unit?

9 A. Well, first and foremost is that I'm
10 working with horses. Second, I like the people
11 who work for me. I like the unit that I'm in as
12 far as special operations goes. I work well with
13 the other supervisors within special ops. I like
14 my horse.

15 Q. Are you proud of being a member of the
16 mounted unit?

17 A. Yes.

18 Q. Why?

19 A. All the reasons that I just told you and
20 I take pride in my job and how I do it.

21 Q. Based upon your knowledge of different
22 mounted units is the New Castle County mounted
23 unit a respected mounted unit?

24 A. I believe so.



1 A. Yes, he was assigned to our unit when I
2 first came over and I very shortly after that
3 retired him.

4 Q. Where did he go when he was retired?

5 A. Back to his owner.

6 Q. Who was his owner?

7 A. I think it's Patricia something. I can't
8 remember a last name. Trish, Patricia.

9 Q. Oliver didn't go to Corporal Williams?

10 A. No. He went to its owner.

11 Q. Are you familiar with the horse Misty?

12 A. Yes.

13 Q. Has Misty ever been assigned to any
14 police officer?

15 A. No.

16 Q. How did the mounted unit get Misty?

17 A. I broke Misty when she was three when I
18 was in college.

19 Q. When who was in college?

20 A. When I was in college. The owner of that
21 horse then telephoned me several years later when
22 I was in the mounted unit asking if we would be
23 interested in taking her as a donation for the
24 unit. I then discussed what she had been doing



1 with the horse, told her we do have a 90-day
2 trial period and that we would be interested in
3 trying her. She was trailered up to us. She
4 started the 90-day trial period and she ended up
5 not working out and being sent back to the owner.

6 Q. Did any of the members of the mounted
7 unit ride Misty?

8 A. Yes.

9 Q. Who rode her?

10 A. Everybody had a chance to ride her. I
11 think Corporal Hill might have ridden her when
12 she first came.

13 Q. Who rode this horse the most out of all
14 the officers?

15 A. Corporal Hoff.

16 Q. Is there a reason for this?

17 A. She asked to.

18 Q. Was Misty a good jumping horse?

19 A. She could jump, yes. She was a bad
20 police horse.

21 Q. Would Misty have been a good horse for
22 use in competitions?

23 A. Obstacles, she didn't even go into the
24 course, she wouldn't even go into the ring. So,



1 been able to ride him. He would be -- would we
2 be interested in looking at him. I told him we
3 would. I sent out Corporal Hill and Corporal
4 Hoff to go try out the horse and depending what
5 they thought about the horse then we would agree
6 to bring it back. I went back and looked at him
7 as well and we agreed to take him on a trial
8 basis.

9 Q. How long did the unit have Tonka?

10 A. We still have him.

11 Q. Still have him?

12 A. Yes.

13 Q. Is he assigned to anybody?

14 A. No.

15 Q. Why not?

16 A. Quite honestly nobody wants to ride him.
17 Everybody has their own assigned horse.

18 Q. I'm sorry, just jumping back to Misty for
19 a second. In order to get ready for this
20 competition that Corporal Hoff rode Misty in did
21 she have to work with Misty a lot?

22 A. Yes.

23 Q. Did she have to request permission to
24 ride Misty in the competition?



1 A. Yes.

2 Q. Did she get that permission from you?

3 A. Yes.

4 Q. Did Corporal Hoff also have the horse
5 that she was assigned to at that time?

6 A. Yes.

7 Q. What is the name of that horse?

8 A. Laura.

9 Q. So, Corporal Hoff was working with both
10 Laura and Misty at that time?

11 A. Yes.

12 Q. And that's permissible to work with two
13 horses at the same time?

14 A. Sure.

15 Q. Back to Tonka. Was Tonka just a horse
16 that was there in case something happened with
17 one of the other horses?

18 A. He is one of the extra horses, yes.

19 Q. And at some point Corporal Hill started
20 working with Tonka, correct?

21 A. A week before the competition, yes.

22 Q. And this is because Corporal Hill's horse
23 had a code discoloration?

24 A. Yes.



1 Q. The code discoloration would be a
2 negative in the competition?

3 A. In the uniform competition, that's
4 correct.

5 Q. He only worked with Tonka for a week?

6 A. It was whenever he decided that he could
7 not use his assigned horse for the competition,
8 whatever that period of time that was is when he
9 started working with her. Phil Davis had
10 actually been coming in on his days off and his
11 time off and working with Tonka and Phil was
12 supposed to ride Tonka.

13 Q. Why didn't Phil ride Tonka?

14 A. He agreed to take Darby because Jeff
15 needed Tonka for the competition.

16 Q. What was wrong with Phil's horse?

17 A. Nothing was wrong with Phil's horse.

18 Q. Why didn't Phil ride his horse?

19 A. Because he gave his horse to Jeff because
20 Jeff's horse had a code discoloration.

21 Q. So, Tonka was Phil's horse?

22 A. He was assigned that horse for the
23 competition, yes. Phil is an auxiliary rider and
24 he goes with us to these competitions to help



1 horse? Like as in patrol to ride on patrol?

2 Q. Yes.

3 A. No.

4 Q. And why was the horse not assigned to
5 anybody?

6 A. Because everybody else had a horse at the
7 time that they were riding. Now, Officer Andy
8 Guiton did ride Tonka quite a bit on the street
9 because his horse had an injury.

10 Q. Were there any behavioral issues with
11 Tonka?

12 A. Yes.

13 Q. What were those?

14 A. Was and still is, bucks at the canter.

15 Q. Bucks at what?

16 A. The canter. He will buck you off.

17 Q. Was this an issue that Corporal Hill
18 worked with Tonka on?

19 A. I don't know, I don't know what he worked
20 on with him.

21 Q. Was Corporal Hill required to do this
22 canter at the competition?

23 A. Yes.

24 Q. Did Tonka buck him off?



1 A. No.

2 Q. How did Tonka perform at that
3 competition?

4 A. Which part?

5 Q. Overall. To be honest with you I don't
6 know what the parts are.

7 A. Performed very well in the uniform
8 competition, he got first place.

9 Q. What other parts are there?

10 A. The obstacle course didn't place. And
11 second place in equitation.

12 Q. Second place in equitation, that's pretty
13 good, right?

14 A. Yes.

15 Q. Even though he did not place in the
16 obstacle course did he perform well?

17 A. I can't remember. I mean, it wasn't well
18 enough to even be up there so you wouldn't say,
19 wow, he did great. I don't know, I can't
20 remember.

21 Q. Did he perform poorly?

22 A. These are terms that I just wish you
23 could maybe clarify for me. Poorly as in what?

24 Q. Well, I'm not entirely familiar with



1 horse competitions so it's kind of hard. Just
2 based upon your experience and observations would
3 you say that the horse performed well, poorly,
4 average? Was he below average?

5 A. I will say he did fairly well. How about
6 that?

7 Q. Okay. After the competition Corporal
8 Hill approached you and asked if he could
9 continue working with Tonka, correct?

10 A. I remember this coming up in the document
11 that you provided to my attorney and I am trying
12 to remember if I actually had that discussion
13 with him. I can honestly tell you I don't
14 specifically remember, but is it possible? Yes.

15 Q. Did Corporal Hill continue to work with
16 Tonka after this competition?

17 A. I believe he still continued to ride him.

18 Q. Did Corporal Hoff begin riding Tonka?

19 A. She rode him as well, yes.

20 Q. Would you say Corporal Hoff rode Tonka
21 more than Corporal Hill?

22 A. Without looking at a daily roster I
23 couldn't do the numbers. I'm sure Guiton rode
24 him quite a bit too.



1 tree and start telling people if you want to come
2 in it's yours, come in and take it.

3 Q. If everybody comes in everybody can work?

4 A. That's correct.

5 Q. I kind of want to switch gears here and
6 talk about this contest that we mentioned in the
7 amended complaint. Are you familiar with what
8 I'm talking about?

9 A. Yes.

10 Q. The contest was to measure the officer's
11 statistics, correct?

12 A. Their contacts, yes.

13 Q. Can you tell me what a contact is.

14 A. An officer's daily contact average is
15 based on criminal arrests, traffic citations,
16 traffic warnings and something that is called
17 CPC, crime prevention checks.

18 Q. What the contest was for was to see who
19 could get the most contacts?

20 A. It was based on contacts, yes.

21 Q. And the person who would get the most
22 contacts would be the winner?

23 A. Yes.

24 Q. Are contacts important in the mounted



1 unit?

2 A. It's very important along with many other
3 things that we do, yes.

4 Q. Why is it important?

5 A. Because we are considered a high profile,
6 high visibility unit. Traditionally we are
7 placed in high crime neighborhoods that need
8 special attention and usually the direction that
9 we're given is zero tolerance for any crime. So,
10 when you are in a high crime neighborhood with a
11 zero tolerance approach you are going to get high
12 contacts.

13 Q. Why did you decide to have this contest?

14 A. At the time other patrol supervisors were
15 also doing similar things. I thought it would be
16 a good incentive to motivate the officers to be
17 productive.

18 Q. How long did the contest run?

19 A. It was supposed to last quarterly with
20 the first quarter being January, February, March,
21 second quarter being April, May June and so
22 forth. It only lasted one quarter.

23 Q. What quarter was that?

24 A. January, February, March.



1 Q. Why didn't it continue?

2 A. Because both quarters it would have been
3 Corporal Hoff and I discussed it with her and I
4 said that I thought that I didn't think it would
5 improve morale of the unit for me to continue to
6 reward her for her job well done even though she
7 was the highest contact officer. So, she agreed
8 not to hold me to the second quarter.

9 Q. When did you announce the contest?

10 A. In April.

11 Q. So, you announced a contest in April for
12 January, February and March?

13 A. That's correct, and then advising that
14 the next quarter would be April, May, June.

15 Q. Why did you do it retroactive?

16 A. First quarter starting with January 1st
17 of the year and just, again, as incentive to say,
18 you know, this is what I'm going to do and this
19 is the reward that you get and let's start our
20 second quarter now.

21 Q. Did anybody complain that they thought it
22 was unfair that the first quarter was already
23 over with before the contest was announced?

24 A. No.



1 Q. Did anybody say they thought it wasn't
2 fair?

3 A. No, not to me.

4 Q. During the January, February and March
5 time frame was Corporal Hoff patrolling in a
6 patrol car?

7 A. Exclusively?

8 Q. At all.

9 A. All officers patrol in a patrol car as a
10 chase car.

11 Q. Did she patrol in a patrol car more than
12 the other officers in the mounted unit during
13 this time period?

14 A. I can't intelligently answer that
15 because, again, I don't have daily rosters in
16 front of me.

17 Q. And you don't have a recollection?

18 A. No.

19 Q. Is it easier to accumulate statistics if
20 you are working out of a patrol car instead of on
21 horseback?

22 A. In what capacity?

23 Q. I don't know what you mean by what
24 capacity.



1 A. If you are going out in your patrol car
2 and not assisting the officers on horses, yes.
3 If you are going out as a chase car, no.

4 Q. What is a chase car?

5 A. Your job as a chase car is to assist the
6 officers on horses because the officers on horses
7 don't have computers and they can't run data,
8 they can't transport prisoners and they can't go
9 after cars that have fled them. Therefore, the
10 chase car is to take a position in the back
11 basically. They call or go over to them and ask
12 them to run data. They will use our rap sheet to
13 verify that the driver is who they say they are.
14 Again, if there are any prisoners they will
15 transport them back and forth.

16 So, there is not a whole lot of time
17 to be out there doing your own individual work
18 not to mention if you are out doing that then who
19 is going to help the other officers on horseback.

20 Q. Do the officers in the mounted unit do
21 they ever work out of a patrol car in a situation
22 that has not been the chase car?

23 A. Yes.

24 Q. And what circumstances would somebody get



1 Q. What did she take?

2 A. Two days off.

3 Q. For the second quarter Corporal Hoff took
4 no prizes?

5 A. No.

6 Q. Does New Castle County have a policy
7 regarding officers who are injured in terms of
8 having to get medical clearance before they come
9 back to work?

10 A. Yes.

11 Q. What is that policy?

12 A. If you are injured on duty you go to
13 Omega, you are examined and they determine if you
14 are fit for full duty or modified duty and
15 ultimately Omega, County Medical, determines when
16 you can return back to work for duty.

17 Q. What about when you are injured off-duty?

18 A. If you are injured off-duty and you feel
19 like you cannot do your job as a patrol officer,
20 you have to report to your supervisor that you
21 feel like you can't and then you are required to
22 go get examined by Omega, same process.

23 Q. For the on-duty injuries do you have to
24 go to Omega before you can come back to work?



1 A. Yes, you have to be cleared by Omega,
2 yes.

3 Q. Was there an incident where Corporal Hoff
4 fell down some steps and was injured?

5 A. Yes, she told me she had fallen down her
6 steps.

7 Q. Did this happen at home?

8 A. Yes.

9 Q. Did it affect her ability to do her job?

10 A. She did not tell me that she couldn't do
11 her job, no.

12 Q. But did it affect her job even though she
13 didn't report it?

14 A. She did her job so I guess that was not
15 affecting it.

16 Q. So, she wasn't required to go to Omega?

17 A. No. It's her responsibility. Only an
18 officer knows whether or not they can or cannot
19 do their job and then they have to advise their
20 supervisor that they can or cannot do their job.
21 If they say they cannot do their job, then they
22 have to go to Omega to be cleared.

23 Q. As a supervisor what if you observe an
24 officer who clearly can't do their job?



1 Q. Who determines if he has the best
2 qualifications?

3 A. Supervisor who is assigning the acting
4 sergeant status.

5 Q. If the most senior officer in the unit
6 does not have the best qualifications, the
7 supervisor can select somebody else?

8 A. At that period of time, yes.

9 Q. And at some point this policy changed?

10 A. Correct.

11 Q. What was the new policy?

12 A. Most senior and if the most senior
13 officer did not want that position, then they
14 would pass on to the next most senior.

15 Q. Did you always follow these policies?

16 A. Yes.

17 Q. After the new policy went into effect
18 there was never a time where Corporal Hill was
19 not the acting sergeant?

20 A. There were times when Corporal Hill was
21 not the acting sergeant during those times.

22 Q. And why was he not the acting sergeant?

23 A. Because he was not working that day.

24 Q. Who was the acting sergeant then?



1 A. The next senior officer would be Corporal
2 Hoff.

3 Q. Was there ever a time when Corporal Hill
4 was working when he wasn't the acting sergeant
5 during this time frame?

6 A. Not to my knowledge.

7 Q. When Corporal Hill had the radar units
8 calibrated he was the acting sergeant, correct?

9 A. Yes.

10 Q. And you were upset that he had the radar
11 units calibrated, correct?

12 A. Yes.

13 Q. Why were you upset?

14 A. During that time there was rumor that the
15 mounted unit may -- its stability existing may
16 have been in jeopardy. Coinciding with that we
17 also had a direct order from our then Colonel
18 David McAllister to patrol the door area, which
19 is Dunleith, Oakmont, Overview Gardens and
20 Rosegate. The reason why we were in there was
21 because we were having a lot of crime issues with
22 shootings, drugs, robberies, quality of life
23 complaints. Therefore, our unit was dedicated to
24 that area only.



1 answer his phone. I called Corporal Hoff and
2 talked to her, I said, Where is everybody? At
3 the time I can't remember who she was riding
4 with, but she was with somebody on the horse. I
5 said, Where is everybody else? She said that
6 Corporal Hill and Officer Brown are calibrating
7 the radar units. So, they weren't where I asked
8 them to be.

9 Q. Did you know that the radar units were
10 supposed to be calibrated before you left?

11 A. No, no, I did not.

12 Q. So, there was Corporal Hill and Corporal
13 Brown doing radar units, where was everybody
14 else?

15 A. I think Officer Hennessy might have been
16 off that day, I'm not sure. And either Corporal
17 Berg or Officer Guiton were with Corporal Hoff
18 and then the other one would have been the chase
19 car.

20 Q. And where was Corporal Hoff?

21 A. In the area.

22 Q. So, there were some officers in the area?

23 A. Correct.

24 Q. How long does it take to calibrate radar



1 A. If you use your radar, important.

2 Q. If you don't have it calibrated is it
3 possible that it could give an inaccurate
4 reading?

5 A. Sure.

6 Q. If a radar unit gives an inaccurate
7 reading is it possible that a defendant who is
8 being prosecuted based upon information gained
9 from the radar unit could use that as a defense?

10 A. If the officer introduces the radar
11 calibration book. There are other solutions to
12 that. They can make a plea going into it, they
13 can just not introduce the radar calibration
14 book.

15 Q. Couldn't the defendant's attorney ask for
16 the radar calibration book?

17 A. Yes.

18 Q. Somebody else had scheduled these units
19 to be calibrated, correct?

20 A. I don't know.

21 Q. It wasn't Corporal Hill?

22 A. I don't know.

23 Q. How is it normally done?

24 A. We don't have a process for it. If you



1 have a radar unit, you need to make sure you keep
2 up on the calibration.

3 Q. It's each individual officer's
4 responsibility --

5 A. Yes.

6 Q. -- to calibrate? Do they have to request
7 permission from you before they calibrate their
8 radar units?

9 A. No. They just let me know that they are
10 going to do it. We have handheld units that
11 Conrad DeMatteus will contact us and let us know
12 they need to be calibrated and make sure that
13 gets done.

14 Q. Who does the calibration?

15 A. As far as officers go?

16 Q. No. I assume there is an individual that
17 does the calibration?

18 A. I think it's a company that does it.

19 Q. Do you know who it is?

20 A. No.

21 Q. If Conrad DeMatteus contacts you and
22 says, Hey, this calibration company is coming in,
23 do you get the radar units over there?

24 A. Yes.



1 Q. If you had been on vacation -- if you had
2 not been on vacation and Conrad DeMatteus called
3 you up on that day when you were supposed to be
4 in that area --

5 MS. SANFRANCESCO: Objection, calls
6 for speculation.

7 BY MR. WILSON:

8 Q. -- would you have taken the radar units
9 to have them calibrated?

10 A. You know, again, not being there that's
11 hard to say. McAllister was the kind of chief
12 that the chain of command wasn't as severe as it
13 has been before and has been now. He would pop
14 in in the office. He would stop you in the
15 hallway. He would drive by the areas that you
16 are assigned to and because it was such a fresh
17 order I would have had to weigh that very
18 seriously and then maybe have further discussions
19 with Conrad and say, When are they coming next?
20 Wait a minute, I have two other radar units, I
21 have two handheld units, can I get away without
22 getting these calibrated now and doing them
23 later?

24 I think for me to answer that



1 blanketly I don't know that I can do that with
2 one blanket answer. I think with any good, sound
3 decision-making you have to consider all the
4 circumstances.

5 Q. If an officer lets his radar unit fall
6 out of calibration --

7 A. Then they can't use that unit until it
8 has been re-calibrated if you are going to go to
9 trial and use that calibration book.

10 Q. Is he subject to discipline if it's not
11 calibrated on a timely basis?

12 A. Not if I'm aware of it and approve it.

13 Q. How many days was it before you came back
14 from vacation before this incident with the radar
15 unit occurred?

16 A. I came in on my day off from vacation.

17 Q. Is it the next day?

18 A. The very same day I came in.

19 Q. And you had a meeting with the entire
20 mounted unit, correct?

21 A. Correct.

22 Q. And what was the meeting about?

23 A. About the unit not being fully-staffed in
24 the DOOR area.



1 Q. Why didn't you address this in private
2 with Corporal Hill?

3 A. I wanted to assure that all members of
4 the mounted unit understood my order for future
5 reference.

6 Q. Do you think addressing this issue in
7 front of the whole unit hurt Corporal Hill's
8 credibility for future times when he was serving
9 as acting sergeant?

10 A. I don't know.

11 Q. Was that your intent?

12 A. No.

13 Q. Has your supervisor ever taken issue with
14 a decision you have made?

15 A. Taken issue? What do you mean by that?

16 Q. Has he ever been upset with a decision
17 you made?

18 A. Nothing comes to mind right now.

19 Q. Has your supervisor ever reprimanded you
20 for anything?

21 A. No.

22 Q. When you were on vacation this particular
23 time, did you receive any telephone calls from
24 Corporal Hoff?



1 A. No.

2 Q. So, any telephone conversations you had
3 were coming from your phone?

4 A. That's correct.

5 Q. Now I want to talk about the alleged
6 statement about Corporal Hill being under Captain
7 Setting's desk. You have an understanding as to
8 what I'm talking about, correct?

9 A. That's correct.

10 Q. Paragraph 28 of the amended complaint
11 states that Corporal Hill unaware of where
12 Captain Setting's office was located asked you
13 for the location and you responded you should
14 know, you spend enough time under his desk. The
15 response that you have given is that you can't
16 answer because you lack information and belief,
17 therefore, it's denied. I don't understand how
18 you can't have information or belief as to
19 whether you made that statement or not.

20 MS. SANFRANCESCO: Objection.

21 BY MR. WILSON:

22 Q. Did you make the statement?

23 A. I cannot recall making that statement,
24 no.



1 Q. So, do you deny making the statement?

2 A. I'm not going to deny making the
3 statement because there has been testimony in the
4 Step III grievance by Officer Brown and Officer
5 Guiton that they heard me make that statement and
6 I trust Officer Brown and Guiton's testimony.
7 So, clearly I made the statement, but I can tell
8 you I don't remember making the statement.

9 Q. When you say clearly you made it, then
10 you would be admitting that you made it?

11 A. Of course, but I can't remember making
12 it.

13 MS. SANFRANCESCO: I'm going to make
14 a standing objection to the characterization of
15 the contents of the amended complaint that were
16 drafted by an attorney.

17 MR. WILSON: Well, it was drafted by
18 an attorney, but these people are your clients
19 and they should have information or belief
20 whether they made a statement or not.

21 MS. SANFRANCESCO: That's my standing
22 objection. You can ask her the questions about
23 facts that form the basis for what is in the
24 complaint, but she -- or the answer, but clearly



1 Sergeant Hyden didn't draft it just like you
2 drafted the complaint and not Corporal Hill. I'm
3 assuming Corporal Hill didn't draft it.

4 MR. WILSON: Corporal Hill read the
5 complaint and verified everything was accurate.
6 That's what I always do with my clients. If you
7 are representing these people and you have this
8 type of answer I can't understand how these
9 individuals can answer in that way, but your
10 objection is noted.

11 BY MR. WILSON:

12 Q. Initially you did deny making the
13 statement, though, correct?

14 A. To who?

15 Q. To anybody.

16 A. I would like for you to specify what you
17 are talking about.

18 Q. Did you ever deny that you made the
19 statement?

20 A. To who?

21 Q. I'm asking you the questions, have you
22 ever denied making the statement?

23 A. You know, again, if you asked me did you
24 make the statement, I would say, no, I did not



1 make that statement because I had no recollection
2 of making that statement. After I heard that
3 Officer Brown and Officer Guiton both said I made
4 the statement I'm not going to say I didn't make
5 it. Everybody says a million words a day. I can
6 tell you I don't remember every single word I've
7 said. If there has been testimony that two
8 officers said they heard me say it, then I
9 clearly said it. Do I recall making it? Did I
10 recall making it when I was first asked? No.

11 Q. At one point you denied making it,
12 correct?

13 A. If you say I did, then I guess I did.

14 Q. Well, I'm not testifying, you are.

15 A. Okay.

16 Q. Either you did deny or didn't.

17 MS. SANFRANCESCO: I'm going to
18 object for the record. I think Sergeant Hyden is
19 trying to answer your question. I think it is an
20 appropriate response to the question.

21 MR. WILSON: I don't. It's a very
22 simple question. Either you did deny it or you
23 didn't deny it.

24 MS. SANFRANCESCO: Well, apparently



1 she doesn't think it's a simple question because
2 she has asked you for clarification.

3 BY MR. WILSON:

4 Q. Did you deny making the statement ever?

5 MS. SANFRANCESCO: And it has been
6 asked and it has been answered.

7 MR. WILSON: It has not been
8 answered.

9 MS. SANFRANCESCO: It has been.

10 A. Yes, I did, I denied making that
11 statement because I had no recollection of making
12 it, yes.

13 Q. When you denied making the statement, you
14 said that making such a statement would be
15 harassing, correct?

16 A. Yes, I did.

17 Q. Paragraph 30 of the amended complaint
18 states Sergeant Hyden made no similar statements
19 to Corporal Hoff the only other female offer in
20 the mounted unit. Again, the response is you
21 lack information or belief. Have you ever made
22 that type of statement to Corporal Hoff?

23 A. No.

24 Q. I want to talk about the trip to Virginia



1 Beach now for the competition. In the amended
2 complaint you deny you did not congratulate
3 Corporal Hill after winning at the competition,
4 correct?

5 A. I'm sorry, can you restate that again.

6 Q. In the amended complaint we state that
7 you didn't congratulate him after winning the
8 competition?

9 A. Okay.

10 Q. And that statement is denied.

11 A. Okay.

12 Q. Did you congratulate him?

13 A. I don't know that I congratulated
14 anybody.

15 Q. Why wouldn't you congratulate him?

16 A. I didn't congratulate anybody. I think
17 when we got back I told everybody we all did
18 well, our unit came back with several ribbons,
19 it's something to be proud of; but, I didn't walk
20 up to any one particular person and say,
21 Outstanding job.

22 Q. Is it fair to say in your view it was a
23 team victory?

24 A. Yes.



1 Q. So, it wasn't appropriate to single one
2 person out for their individual accomplishments
3 because it's a good reflection on the mounted
4 unit as a whole?

5 A. Is it appropriate? Is it good manners?
6 Is it bad manners?

7 Q. Is that how you viewed it?

8 A. I really didn't view anything. I didn't.
9 I didn't make a conscious effort to say I'm not
10 going to congratulate anybody. I just didn't do
11 it.

12 Q. During this competition you were upset
13 about an issue with Corporal Hill's horses
14 sheath, correct?

15 MS. SANFRANCESCO: I'm going to
16 object to the characterization of some of the
17 questions. They're more leading and assuming
18 facts in evidence than asking a question. I just
19 want to make that a standing objection for the
20 record.

21 Q. Were you upset with an issue with
22 Corporal Hill at the competition?

23 A. An issue came up with a dirty sheath and
24 I think that upset is the word that you have been



1 using regularly during this. Was I disappointed?

2 Yes.

3 Q. Was the sheath cleaned before he went
4 into competition?

5 A. Yes.

6 Q. Did you clean the sheath?

7 A. Myself and Corporal Davis did.

8 Q. How long does it take to clean a sheath?

9 A. The right way?

10 Q. Yes.

11 A. Thirty minutes. Depending on how long it
12 has been since you have done it last, depending
13 on whether the horse cooperates or not, could
14 take a long time.

15 Q. Because you and Corporal Davis stepped up
16 and cleaned the sheath there were no negative
17 consequences --

18 A. No.

19 Q. -- at the competition? Were you
20 disappointed with Corporal Hill on any other
21 issues on this trip?

22 A. There were a couple other issues with his
23 uniform that ultimately did not become issues,
24 but they could have been.



1 A. It was a piece of leather on the breast
2 strap that needed to be shortened, but, again,
3 ultimately he won the uniform competition.

4 Q. How did you remedy that? Did you just
5 cut it off?

6 A. We didn't, we left it.

7 Q. Did anybody else in the mounted unit
8 forget anything that you were disappointed in on
9 the trip?

10 A. Forget anything?

11 Q. Or overlook anything, anything that would
12 cause an issue for the competition?

13 A. In what part of the competition?

14 Q. Any part of the competition. We know why
15 you were disappointed with Corporal Hill. Were
16 you disappointed with anybody else on the mounted
17 unit in their performance at the competition?

18 A. No.

19 Q. Following the competition you had a
20 meeting with Corporal Hill regarding these
21 issues?

22 A. It wasn't a meeting.

23 Q. What was it?

24 A. It was an impromptu discussion.



1 Q. Where did it occur?

2 A. In the mounted unit office located at
3 carousel park.

4 Q. Is that your office?

5 A. Yes.

6 Q. Why was Corporal Hill there?

7 A. It was the day we got back from the
8 competition and it was the unloading and getting
9 gear back where it belongs day.

10 Q. Why was he in your office?

11 A. Just walked into the office and I was in
12 there.

13 Q. And you just decided at that point to
14 bring up these issues?

15 A. I didn't bring it up.

16 Q. He brought it up?

17 A. Yes.

18 Q. What did he say?

19 A. He was just kind of basically recapping
20 the success of the competition and Phil Davis,
21 how amazing he is and his high energy, his
22 dedication level, teamwork.

23 Q. After he did that that's when you brought
24 up these other issues?



1 A. That's when we started talking about
2 dedication, teamwork, things like that.

3 Q. These issues that we talked about, the
4 pants, the sheath and the piece of leather you
5 spoke to Corporal Hill about that during this
6 discussion?

7 A. I know we talked about the sheath. The
8 others I can't remember.

9 Q. Did you talk about Corporal Hill's
10 statistics during this discussion?

11 A. Yes.

12 Q. What did you say to him about that?

13 A. Well, the conversation evolved and we
14 then started talking about productivity,
15 motivation, teamwork and I mentioned that his
16 productivity was still not where it should be and
17 that I hadn't seen a big improvement on teamwork.

18 Q. Was this the first time you ever
19 mentioned his productivity to him?

20 A. No.

21 Q. How many times had you addressed his
22 productivity with him prior to this?

23 A. Once prior in the spring of the same
24 year.



1 Q. What did you say to him at that point?

2 A. Same issues, productivity, teamwork,
3 motivation level.

4 Q. Again, in the amended complaint we allege
5 that you stated to Corporal Hill that's strike
6 two during this conversation and then you said,
7 You saw what happened to Doc. Did you make these
8 statements?

9 A. No.

10 Q. And you have a clear recollection of
11 that?

12 A. Yes.

13 Q. And Doc is Corporal Devine, correct?

14 A. That's correct.

15 Q. And Corporal Devine was not with the
16 mounted unit at this time, correct?

17 A. Yes.

18 Q. And was he transferred out of the mounted
19 unit?

20 A. Yes.

21 Q. Why was he transferred out of the mounted
22 unit?

23 A. Productivity, lack of motivation, lack of
24 teamwork, unwillingness to modify his work ethic



1 and work assignments.

2 Q. What does "work assignments" mean?

3 A. Unwilling to modify his work assignments.

4 Q. Do you have any specific examples?

5 A. He was assigned in the parks unit, but
6 there were many times when I needed the parks
7 officers to assist with the mounted unit and
8 there was an unwillingness to switch gears.

9 Q. Was there an issue with Corporal Devine
10 about a vacation that he wanted to take?

11 A. I don't remember that, no.

12 Q. All right, that leads us to Corporal
13 Hill's transfer. Initially you made statements
14 that you played no part in Corporal Hill's
15 transfer, correct?

16 A. I believe in the grievance II hearing I
17 stated that it came from outside sources, yes.

18 Q. But then later you admitted that you did
19 play a part in it?

20 A. I guess I need you to clarify what "play
21 a part" means.

22 Q. Did you request the transfer?

23 A. No.

24 Q. Did you talk to anybody about having him



1 transferred?

2 A. No.

3 Q. Did you express your desire to anybody to
4 have him transferred?

5 A. No.

6 Q. Did you write to anybody?

7 A. Yes.

8 Q. Who did you write to?

9 A. I created a memorandum to Captain Hitch.

10 Q. What did the memo say?

11 A. It was reporting the progress of Corporal
12 Hill's productivity and overall demeanor within
13 the mounted unit, cohesiveness with the other
14 officers after our January meeting.

15 Q. And did you write this memo after
16 Corporal Hill made a complaint about the way you
17 were treating him?

18 A. Which complaint would that be?

19 Q. Any complaint.

20 A. You mean the original complaint?

21 Q. Any complaint at all to your knowledge.

22 A. Yes. Yes.

23 Q. Did his complaint about you play any part
24 in your deciding to write a memo?



1 A. No.

2 Q. After you wrote the memo to Captain Hitch
3 did you have any conversations with Captain Hitch
4 about Corporal Hill?

5 A. I actually had a conversation with
6 Captain Hitch prior and I told him -- I was
7 reporting back to him the progress that was being
8 made within the unit in regards to Corporal Hill.
9 I told him there were some concerns. He said,
10 Draft a memo and send it to me. That's what I
11 did.

12 Q. At some point you, Corporal Hill and
13 Captain Hitch had a meeting, correct?

14 A. That's correct.

15 Q. And what happened at that meeting?

16 A. We all sat in the same room for three and
17 a half hours, given an open venue to discuss any
18 and all issues that were concerning either one of
19 us. We left stating that we had cleared the air
20 and I actually -- I'm the one that came up with
21 the clean slate statement. I said, you know, as
22 far as I'm concerned starting tomorrow you will
23 have a clean slate with me. Tomorrow is a new
24 day. I would like to see progress. I would like



1 for this to work. This is how it ended. In my
2 opinion it ended on a good note.

3 Q. But there continued to be problems,
4 correct?

5 A. Yes, after that, a week after.

6 Q. What happened then?

7 A. Initially he went back and made a real
8 conscious effort to talk to all the officers
9 within the unit that he hadn't been talking to
10 regularly. He might have apologized to a couple
11 of them. Everybody agreed that they would work
12 together. His productivity did come up, his
13 overall demeanor did improve and then shortly
14 after that things started reverting back to the
15 way they had been prior.

16 Q. What happened that made them revert back
17 to the way they were?

18 A. Him, not them.

19 Q. Do you know why he started reverting
20 back?

21 A. No.

22 Q. Did it have anything to do with his
23 interaction with you?

24 A. I don't know why.



1 Q. So, the meeting, I'll call it the clean
2 slate meeting, did that happen between your first
3 conversation with Captain Hitch and your memo to
4 Captain Hitch?

5 A. No.

6 Q. When did the clean slate meeting occur?

7 A. Prior.

8 Q. To either?

9 A. Yes.

10 Q. How did Captain Hitch know there was an
11 issue?

12 A. Because Corporal Hill filed a complaint.

13 Q. So, that's what precipitated the meeting?

14 A. Yes.

15 Q. In the memo to Captain Hitch did you
16 request that Corporal Hill be transferred?

17 A. No.

18 Q. Did you request any type of relief?

19 A. Any kind of relief?

20 Q. Did you request that Captain Hitch do
21 anything?

22 A. My memo basically stated what was
23 occurring within the unit and advising him of the
24 condition of the unit.

